

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:12-cv-01838-RMC**

COMPETITIVE ENTERPRISE INSTITUTE v. UNITED
STATES DEPARTMENT OF THE TREASURY

Assigned to: Judge Rosemary M. Collyer

Case: 1:12-cv-01483-RMC

Cause: 05:552 Freedom of Information Act

Plaintiff

**COMPETITIVE ENTERPRISE
INSTITUTE**

Date Filed: 11/13/2012

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

represented by **Charles Devin Watkins**
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V.

Defendant

**UNITED STATES DEPARTMENT
OF THE TREASURY**

represented by **Jean-Michel Voltaire**
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Civil Division, Federal Programs Branch
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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11/13/2012	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number 0090-3130038) filed by COMPETITIVE ENTERPRISE INSTITUTE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons AG summons, # <u>4</u> Summons USAO summons, # <u>5</u> Related Case form)(Bader, Hans) (Entered: 11/13/2012)
11/13/2012	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by COMPETITIVE ENTERPRISE INSTITUTE (Bader, Hans) (Entered: 11/13/2012)
11/13/2012		Case Assigned to Judge Rosemary M. Collyer. (ls,) (Entered: 11/14/2012)
11/14/2012	<u>3</u>	NOTICE of filing of corrected summonses by COMPETITIVE ENTERPRISE INSTITUTE re <u>1</u> Complaint, (Attachments: # <u>1</u> Summons Corrected Summons for service on Attorney General, # <u>2</u> Summons Corrected Summons for service on U.S. Attorney)(Bader, Hans) (Entered: 11/14/2012)
11/14/2012	<u>4</u>	NOTICE OF RELATED CASE by All Plaintiffs. Case related to Case No. 12-1483. (Bader, Hans) (Entered: 11/14/2012)
11/14/2012	<u>5</u>	ELECTRONIC SUMMONS (2) Issued as to U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Consent Notice)(ls,) (Entered: 11/14/2012)
11/14/2012	<u>6</u>	Electronic Summons (1) Issued as to UNITED STATES DEPARTMENT OF THE TREASURY. (td,) (Entered: 11/14/2012)
11/15/2012	<u>7</u>	ELECTRONIC SUMMONS (1) Issued as to the U.S. Attorney General (dr) (Entered: 11/15/2012)
11/27/2012	<u>8</u>	AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF THE TREASURY filed by COMPETITIVE ENTERPRISE INSTITUTE.(jf,) (Entered: 11/27/2012)
11/27/2012	<u>9</u>	NOTICE of summonses being filed for amended complaint by COMPETITIVE ENTERPRISE INSTITUTE re <u>8</u> Amended Complaint (Bader, Hans) (Entered: 11/27/2012)
11/28/2012	<u>10</u>	ELECTRONIC SUMMONS (3) REISSUED as to UNITED STATES DEPARTMENT OF THE TREASURY, US Attorney and US Attorney General. (dr) (Entered: 11/28/2012)
12/17/2012	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF THE TREASURY served on 12/12/2012, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/03/2012., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/12/2012. (Answer due for ALL FEDERAL DEFENDANTS by 1/11/2013.) (Bader, Hans) (Entered: 12/17/2012)
01/08/2013	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/3/2013. Answer due for ALL FEDERAL DEFENDANTS by 2/2/2013. (Bader, Hans) (Entered: 01/08/2013)
02/04/2013	<u>13</u>	ANSWER to <u>8</u> Amended Complaint by UNITED STATES DEPARTMENT OF THE TREASURY. Related document: <u>8</u> Amended Complaint filed by COMPETITIVE ENTERPRISE INSTITUTE.(Voltaire, Jean-Michel) (Entered: 02/04/2013)
02/13/2013	<u>14</u>	ORDER for Initial Scheduling Conference. The Initial Scheduling Conference is set for March 22, 2013 at 10:15 a.m. Signed by Judge Rosemary M. Collyer on 2/13/2013. (lcrmc3) (Entered: 02/13/2013)
02/13/2013		Set/Reset Deadlines/Hearings: Initial Scheduling Conference set for 3/22/2013 at 10:15 AM in Courtroom 8 before Judge Rosemary M. Collyer. (cdw) (Entered: 02/15/2013)
02/27/2013		MINUTE ORDER vacating the <u>14</u> Order for Initial Scheduling Conference. The Initial Scheduling Conference set for March 22, 2013 is CANCELLED. It is FURTHER ORDERED that the parties shall file a joint proposed dispositive motion briefing

		schedule no later than March 22, 2013. Signed by Judge Rosemary M. Collyer on 2/27/2013. (lcrmc3) (Entered: 02/27/2013)
02/27/2013		Set/Reset Deadlines/Hearings: Joint proposed dispositive motion briefing schedule due by 3/22/2013. (cdw) (Entered: 02/28/2013)
03/22/2013	<u>15</u>	STATUS REPORT <i>and Proposed Briefing Schedule</i> by UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Text of Proposed Order)(Voltaire, Jean-Michel) (Entered: 03/22/2013)
03/28/2013		MINUTE ORDER requiring the parties to file a joint status report no later than August 1, 2013. Signed by Judge Rosemary M. Collyer on 3/28/2013. (lcrmc3) (Entered: 03/28/2013)
03/28/2013		Set/Reset Deadlines/Hearings: Joint Status Report due by 8/1/2013. (cdw) (Entered: 03/28/2013)
08/01/2013	<u>16</u>	ENTERED IN ERROR.....STATUS REPORT by UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Defendant's Proposed Order, # <u>2</u> Plaintiff's Proposed Order)(Voltaire, Jean-Michel) Modified on 8/2/2013 pursuant to <u>18</u> (rdj). (Entered: 08/01/2013)
08/01/2013	<u>17</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Defendant's Proposed Order, # <u>2</u> Plaintiff's Proposed Order)(Voltaire, Jean-Michel) (Entered: 08/01/2013)
08/01/2013	<u>18</u>	NOTICE that Document 17, not Document 16, is the correct version of the parties' Joint Status Report by COMPETITIVE ENTERPRISE INSTITUTE re <u>16</u> Status Report, <u>17</u> Status Report (Bader, Hans) (Entered: 08/01/2013)
08/06/2013		MINUTE ORDER revising dispositive motion briefing schedule. After considering the parties' <u>17</u> Joint Status Report and Plaintiff's opposition to Defendant's proposed briefing schedule, the Court will adopt Defendant's proposed briefing scheduling. The briefing schedule is revised as follows: Defendant shall complete its production no later than September 22, 2013, and will act diligently to ensure inter-agency documents are processed no later than October 22, 2013; Defendant shall file its Motion for Summary Judgment no later than November 29, 2013; Plaintiff shall file its Opposition and Cross-Motion no later than December 30, 2013; Defendant shall file its Reply and Opposition no later than January 21, 2014; Plaintiff shall file its Reply no later than February 11, 2014. Signed by Judge Rosemary M. Collyer on August 6, 2013. (lcrmc3) (Entered: 08/06/2013)
08/06/2013		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 11/29/2013. Response to Motion for Summary Judgment due by 12/30/2013. Reply to Motion for Summary Judgment due by 1/21/2014. Plaintiff's Cross Motion due by 12/30/2013. Response to Cross Motion due by 1/21/2014. Reply to Cross Motion due by 2/11/2014. (cdw) (Entered: 08/07/2013)
10/04/2013	<u>19</u>	MOTION to Stay by UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Voltaire, Jean-Michel) (Entered: 10/04/2013)
10/04/2013		MINUTE ORDER granting Defendant's <u>19</u> Motion to Stay. All current deadlines for the parties in this matter are stayed indefinitely. The parties shall submit a new Joint Briefing Schedule no later than October 18, 2013. Signed by Judge Rosemary M. Collyer on October 4, 2013. (lcrmc3) (Entered: 10/04/2013)
10/04/2013		Set/Reset Deadlines/Hearings: Joint Briefing Schedule due by 10/18/2013. (cdw) (Entered: 10/07/2013)
10/08/2013		MINUTE ORDER staying case due to lack of government appropriations. No later than seven days after the government shutdown ends, the parties shall file a joint proposed schedule for all deadlines. The stay will be automatically lifted without further court order upon the end of the shutdown. Signed by Judge Rosemary M. Collyer on October 8, 2013. (lcrmc3) (Entered: 10/08/2013)
10/08/2013		Case Stayed. (cdw) (Entered: 10/08/2013)

10/23/2013	<u>20</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Defendant's Proposed Order, # <u>2</u> Plaintiff's Proposed Order)(Voltaire, Jean-Michel) (Entered: 10/23/2013)
10/24/2013		MINUTE ORDER VACATING stay in this matter in light of the parties' <u>20</u> Joint Status Report. Defendant shall exercise due diligence to complete its production of documents no later than November 22, 2013. Defendant shall file its Motion for Summary Judgment no later than January 3, 2014. Plaintiff shall file its Opposition no later than February 3, 2014. Defendant shall file its Reply no later than February 24, 2014. Signed by Judge Rosemary M. Collyer on October 24, 2013. (lcrmc3) (Entered: 10/24/2013)
10/24/2013		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 1/3/2014. Response to Motion for Summary Judgment due by 2/3/2014. Reply to Motion for Summary Judgment due by 2/24/2014. (cdw) (Entered: 10/25/2013)
12/27/2013	<u>21</u>	Joint MOTION for Extension of Time to <i>Modify Briefing Schedule</i> by UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Voltaire, Jean-Michel) (Entered: 12/27/2013)
12/27/2013		MINUTE ORDER granting <u>21</u> joint Motion for Extension of Time. Defendant's motion for summary judgment is due January 17, 2014; Plaintiff's opposition is due February 18, 2014; Defendant's reply is due March 21, 2014. Signed by Judge Rosemary M. Collyer on 12/27/2013. (KD) (Entered: 12/27/2013)
12/27/2013		MINUTE ORDER correcting 12/27/13 minute order: Defendant's reply is due March 11, 2014. Signed by Judge Rosemary M. Collyer on 12/27/2013. (KD) (Entered: 12/27/2013)
12/30/2013		Set/Reset Deadlines: Summary Judgment motions due by 1/17/2014. Responses to Motion for Summary Judgment due by 2/18/2014. Replies to Motion for Summary Judgment due by 3/21/2014. (zmm,) (Entered: 12/30/2013)
12/30/2013		Set/Reset Deadlines: Reply to Motion for Summary Judgment due by 3/11/2014. (zmm,) (Entered: 12/30/2013)
01/16/2014	<u>22</u>	Joint MOTION for Extension of Time to <i>Modify Briefing Schedule</i> by UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Voltaire, Jean-Michel) (Entered: 01/16/2014)
01/16/2014		MINUTE ORDER granting <u>22</u> Joint Motion for Modification of Briefing Schedule. Defendant shall file its Motion for Summary Judgment no later than February 7, 2014. Plaintiff shall file its Opposition no later than March 7, 2014. Defendant shall file its Reply no later than March 22, 2014. Signed by Judge Rosemary M. Collyer on January 16, 2014. (lcrmc3) (Entered: 01/16/2014)
01/16/2014		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 2/7/2014. Response to Motion for Summary Judgment due by 3/7/2014. Reply to Motion for Summary Judgment due by 3/22/2014. (cdw) (Entered: 01/17/2014)
02/07/2014	<u>23</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Declaration, # <u>5</u> Vaughn Index Part I, # <u>6</u> Vaughn Index Part II)(Voltaire, Jean-Michel) (Entered: 02/07/2014)
03/07/2014	<u>24</u>	Memorandum in opposition to re <u>23</u> MOTION for Summary Judgment filed by COMPETITIVE ENTERPRISE INSTITUTE. (Attachments: # <u>1</u> Statement of Facts Statement of Genuine Issues, # <u>2</u> Declaration of Hans Bader, # <u>3</u> Declaration of Christopher C. Horner, # <u>4</u> Text of Proposed Order)(Bader, Hans) (Entered: 03/07/2014)
03/21/2014	<u>25</u>	REPLY to opposition to motion re <u>23</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF THE TREASURY. (Voltaire, Jean-Michel) (Entered: 03/21/2014)
03/25/2014	<u>26</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by COMPETITIVE ENTERPRISE INSTITUTE (Bader, Hans) (Entered: 03/25/2014)

03/27/2014	<u>27</u>	MOTION for Leave to File <i>Surreply In Opposition to Defendant's Motion for Summary Judgment</i> by COMPETITIVE ENTERPRISE INSTITUTE (Attachments: # <u>1</u> Exhibit Proposed Surreply by Plaintiff in opposition to summary judgment, # <u>2</u> Text of Proposed Order)(Bader, Hans) (Entered: 03/27/2014)
07/01/2015		MINUTE ORDER denying without prejudice <u>23</u> Defendant's Motion for Summary Judgment due to an insufficiently detailed Vaughn Index; and denying <u>27</u> Plaintiff's Motion for Leave to File surreply. The parties shall meet and confer and file, no later than July 15, 2015, a proposed schedule for filing a revised Vaughn Index and a renewed motion for summary judgment, opposition, and reply. A status conference is scheduled for July 17, 2015 at 11:45 a.m. in Courtroom 8. Signed by Judge Rosemary M. Collyer on 7/1/2015. (KD) (Entered: 07/01/2015)
07/01/2015		Set/Reset Deadlines/Hearings: Proposed Briefing Schedule due by 7/15/2015. Status Conference set for 7/17/2015 11:45 AM in Courtroom 8 before Judge Rosemary M. Collyer. (cdw) (Entered: 07/01/2015)
07/08/2015	<u>28</u>	STATUS REPORT and Request to Postpone Status Conference by UNITED STATES DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Text of Proposed Order)(Voltaire, Jean-Michel) (Entered: 07/08/2015)
07/08/2015		MINUTE ORDER. In light of <u>28</u> the Parties' Joint Status Report, Defendant shall file the revised Vaughn Index no later than October 1, 2015. Defendant shall file its Motion for Summary Judgment no later than November 2, 2015; Plaintiff shall file its Opposition no later than November 23, 2015; and Defendant shall file its Reply no later than December 7, 2015. The status conference scheduled for July 17, 2015 is vacated. The Court finds that there is no need for cross-motions or a further status conference. Signed by Judge Rosemary M. Collyer on July 8, 2015. (lcrmc1) (Entered: 07/08/2015)
07/08/2015		Set/Reset Deadlines/Hearings: Revised Vaughn Index due by 10/1/2015. Defendant's Summary Judgment motion due by 11/2/2015. Response to Motion for Summary Judgment due by 11/23/2015. Reply to Motion for Summary Judgment due by 12/7/2015. (cdw) (Entered: 07/09/2015)
10/01/2015	<u>29</u>	NOTICE OF FILING Vaughn Index (<i>Revised</i>). (Attachments: # <u>1</u> Revised Vaughn Index)(Voltaire, Jean-Michel) Modified on 10/2/2015 (zrdj). (Entered: 10/01/2015)
11/02/2015	<u>30</u>	MOTION for Summary Judgment (<i>Renewed</i>) by UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Declaration, # <u>5</u> Exhibit Revised Vaughn Index, # <u>6</u> Text of Proposed Order)(Voltaire, Jean-Michel) (Entered: 11/02/2015)
11/23/2015	<u>31</u>	Memorandum in opposition to re <u>30</u> MOTION for Summary Judgment (<i>Renewed</i>) filed by COMPETITIVE ENTERPRISE INSTITUTE. (Attachments: # <u>1</u> Statement of Facts Statement of Genuine Issues of Material Fact, # <u>2</u> Text of Proposed Order)(Bader, Hans) (Entered: 11/23/2015)
12/04/2015	<u>32</u>	Unopposed MOTION for Extension of Time to File Response/Reply by UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Voltaire, Jean-Michel) (Entered: 12/04/2015)
12/04/2015		MINUTE ORDER granting <u>32</u> Consent Motion for Extension of Time. Defendant shall file by December 11, 2015 any reply in support of its <u>30</u> Renewed Motion for Summary Judgment. Signed by Judge Rosemary M. Collyer on 12/4/2015. (lcrmc3) (Entered: 12/04/2015)
12/04/2015		Set/Reset Deadlines/Hearings: Reply to <u>30</u> renewed Motion for Summary Judgment due by 12/11/2015. (cdw) (Entered: 12/07/2015)
12/11/2015	<u>33</u>	REPLY to opposition to motion re <u>30</u> MOTION for Summary Judgment (<i>Renewed</i>) filed by UNITED STATES DEPARTMENT OF THE TREASURY. (Voltaire, Jean-Michel) (Entered: 12/11/2015)
02/09/2017	<u>34</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by COMPETITIVE ENTERPRISE INSTITUTE (Bader, Hans) (Entered: 02/09/2017)

08/10/2017	<u>35</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by COMPETITIVE ENTERPRISE INSTITUTE (Bader, Hans) (Entered: 08/10/2017)
10/12/2017	<u>36</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to COMPETITIVE ENTERPRISE INSTITUTE. Attorney Hans Frank Bader terminated. (Bader, Hans) (Entered: 10/12/2017)
12/11/2017	<u>37</u>	NOTICE of Appearance by Charles Devin Watkins on behalf of COMPETITIVE ENTERPRISE INSTITUTE (Watkins, Charles) (Entered: 12/11/2017)
04/02/2018	<u>38</u>	MEMORANDUM AND OPINION. Signed by Judge Rosemary M. Collyer on 4/2/2018. (lcrmc1) (Entered: 04/02/2018)
04/02/2018	<u>39</u>	ORDER granting in part and denying in part <u>30</u> Motion for Summary Judgment. Defendant is ordered to provide supplemental information for certain records as detailed in the Order. Parties are further ordered to meet and confer and file, no later than May 1, 2018, a proposed schedule for filing the supplemental information and a renewed motion for summary judgment, opposition, and reply. See Order for further details. Signed by Judge Rosemary M. Collyer on 4/2/2018. (lcrmc1) (Entered: 04/02/2018)
04/02/2018		Set/Reset Deadlines: Meet & Confer Statement due by 5/1/2018. (mac) (Entered: 04/02/2018)
05/01/2018	<u>40</u>	Joint STATUS REPORT by COMPETITIVE ENTERPRISE INSTITUTE. (Attachments: # <u>1</u> Text of Proposed Order)(Watkins, Charles) (Entered: 05/01/2018)
05/02/2018		MINUTE ORDER requiring the parties to submit a joint status report no later than July 16, 2018. Signed by Judge Rosemary M. Collyer on 5/2/2018. (lcrmc1) (Entered: 05/02/2018)
05/02/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 7/16/2018. (zcdw) (Entered: 05/04/2018)
07/16/2018	<u>41</u>	Joint STATUS REPORT by COMPETITIVE ENTERPRISE INSTITUTE. (Attachments: # <u>1</u> Text of Proposed Order)(Watkins, Charles) (Entered: 07/16/2018)
07/16/2018		MINUTE ORDER requiring parties to submit a joint status report on or before September 17, 2018. The status report should include, if necessary, a proposed schedule for further briefing. Signed by Judge Rosemary M. Collyer on 7/16/2018. (lcrmc1) (Entered: 07/16/2018)
07/16/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 9/17/2018. (zcdw) (Entered: 07/16/2018)
09/17/2018	<u>42</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE TREASURY. (Voltaire, Jean-Michel) (Entered: 09/17/2018)
09/19/2018		MINUTE ORDER requiring that the parties submit a joint status report on or before November 16, 2018, to include a proposed schedule, if necessary. Signed by Judge Rosemary M. Collyer on 9/19/2018. (lcrmc1) (Entered: 09/19/2018)
09/19/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 11/16/2018. (zcdw) (Entered: 09/28/2018)
10/02/2018	<u>43</u>	NOTICE of Change of Address by Jean-Michel Voltaire (Voltaire, Jean-Michel) (Entered: 10/02/2018)
11/16/2018	<u>44</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE TREASURY. (Voltaire, Jean-Michel) (Entered: 11/16/2018)
11/21/2018		MINUTE ORDER. The parties shall file a joint status report on or before January 15, 2019, in which they will advise the Court on the result of their efforts to resolve Plaintiff's claim for attorneys' fees and costs. Signed by Judge Rosemary M. Collyer on 11/21/2018. (lcrmc1) (Entered: 11/21/2018)
11/21/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/15/2019. (zcdw) (Entered: 11/21/2018)

01/08/2019	<u>45</u>	Consent MOTION to Stay by UNITED STATES DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Voltaire, Jean-Michel) (Entered: 01/08/2019)
01/10/2019		MINUTE ORDER denying <u>45</u> Motion to Stay and instead granting a continuance of the joint status report deadline. The parties shall file a joint status report no later than February 15, 2019. Signed by Judge Rosemary M. Collyer on 1/10/2019. (lcrmc1) (Entered: 01/10/2019)
01/10/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 2/15/2019. (zcdw) (Entered: 01/17/2019)
02/15/2019	<u>46</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE TREASURY. (Voltaire, Jean-Michel) (Entered: 02/15/2019)